



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 02 2011

REPLY TO THE ATTENTION OF:

The Honorable Bill Johnson
Member, U.S. House of Representatives
192 East State Street
Salem, Ohio 44460

Dear Congressman Johnson:

Thank you for your April 18, 2011 letter forwarding your constituent Milton Cook II's concerns about the coal ash landfill in Lisbon, Ohio, and the quality of his well water.

The U.S. Environmental Protection Agency responded to a similar letter from Mr. Cook on April 22, 2011. As discussed in the enclosed response, the Ohio Environmental Protection Agency and the Ohio Department of Natural Resources are evaluating ground water and other data to determine if the coal ash landfill and/or the coal mine are affecting Mr. Cook's well water.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Ronna Beckmann or Denise Gawlinski, the Region 5 Congressional Liaisons, at 312-886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Hedman", is written over a horizontal line.

Susan Hedman
Regional Administrator

Enclosure



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APR 22 2011

REPLY TO THE ATTENTION OF:

Mr. Milton Cook, II
14458 State Route 45
Lisbon, Ohio 44432-9635

Dear Mr. Cook:

Thank you for your letter of April 6, 2011, regarding your concerns about changes in the quality of water from your private well. I understand your concerns about the coal fly ash and bottom ash landfill and coal mine near your home and your desire to determine the source of contaminants in your water.

The U.S. Environmental Protection Agency has limited direct authority over the coal ash landfill, the coal mine, and your private well. At this time, EPA's requirements for the disposal of coal ash residuals are performance standards found in Title 40 of the Code of Federal Regulations Part 257. EPA does not have direct permitting or enforcement authority for these requirements. In June 2010, EPA proposed for the first time national regulation of coal ash landfills and surface impoundments. EPA is currently evaluating the comments received on the proposed rule in preparation for issuing a final rule.

EPA's authority under the Clean Water Act is limited to regulate persons (i.e., companies) that discharge pollutants into surface waters and wetlands – also known as waters of the U.S. Any project such as a coal mine or landfill that would directly impact streams or wetlands would be regulated by the Clean Water Act and would be subject to permitting requirements. The Safe Drinking Water Act regulates public water systems and not private wells.

Currently, Rosebud Mining's coal ash landfill is permitted by the Ohio Environmental Protection Agency's (Ohio EPA) surface water program. Joe Trocchio (330-963-1193), at the Ohio EPA's Northeast District Office's Surface Water program, has told us that the landfill has a clay liner, an under-drain collection system to manage leachate, and groundwater monitoring wells, as required by their permit. Discharges from the landfill are regulated under the National Pollutant Discharge Elimination System permit program, which is also administered by Ohio EPA. I understand that Ohio EPA is aware of your concerns, and they are not aware of any violations of the landfill's surface water permits. Eric Adams (330-963-1185), the manager of the ground water program in the Northeast District Office, has indicated that his staff will evaluate available ground water monitoring data to determine whether there are ground water impacts associated with the landfill.

The Rosebud Mining coal mine is regulated under a Surface Mining Control and Reclamation Act (SMCRA) permit issued by the Ohio Department of Natural Resources (ODNR). My staff contacted Laura Bibey (330-339-2207) at ONDR regarding your concerns. ODNR has sampled your water and determined that impacts to your well water are not attributable to coal mining activities in the area, that there are no oil or gas wells in the vicinity of your home that could be impacting your water, and that a previous investigation showed that the majority of ground water wells in your area were impacted by sulfate reducing bacteria to some degree. ODNR plans to sample pond water at the deep mine and at your residence and analyze these for constituents that are associated with coal mining as well as trace metals that are found in coal ash. ODNR will evaluate the results of this analysis and determine next steps.

From the information provided in your letter, the source of the problems with your well water is unclear. Without a more specific, quantitative report of what was found in your well water, it is difficult to draw conclusions about the source of the contaminants. If you would like us to review your well test results, you can send them to Wendy Drake (312-886-6705; drake.wendy@epa.gov), in the Water Division.

Ohio state regulations require existing wells to be sampled if there appears to be a public health nuisance in relation to leachate migration from a landfill. The Columbiana County Health Department (CCHD) is the authority that regulates private water supplies where you live. CCHD is able to test water for homeowners for a fee, which includes metals and volatile organic compounds. More information is available at www.columbiana-health.org/privatewater.html. They may be able to help you assess problems with your well. Our CCHD contact is Lori Barnes (330-424-0272 x111).

Again, thank you for your letter. If you have additional questions about coal ash disposal, please contact Julie Gevrenov, of my staff, at 312-886-6832. Please contact Scott McWhorter, in the Water Division, at 312-886-6100, with additional questions about mining activities. If you have additional questions about water quality, please contact Wendy Drake at 312-886-6705.

Sincerely,

Michael D. Harris for R. K.

Richard Karl
Acting Director
Land and Chemicals Division

cc: Joe Trocchio, Ohio EPA Northeast District Office
Eric Adams, Ohio EPA Northeast District Office
Laura Bibey, Ohio DNR Division of Mineral Resources Management
Lori Barnes, Columbiana County Health Department